IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 35298 of 2007(B)

OS.32/2000 of SUB COURT, PAYYANNUR
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PETITIONER:

PADMANABHAN, AGED 55 YEARS,
S/O.RAMAN ANTHITHURIAN PADOLI HOUSE,
NEAR S.S.TEMPLE, PAYYANNUR.

BY ADV. SRI.K.DIVAKARAN NAIR

RESPONDENT:

STATE BANK OF INDIA, PAYYANNUR
BRANCH, REPRESENTED BY ITS MANAGER.

BY SC FOR SBI, SRI.K.K.CHANDRAN PILLAI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 35298 OF 2007

Dated this the 10th day of December, 2007

J U D G M E N T

This writ petition is filed seeking to declare that the writ petitioner is entitled to the benefit of one time settlement scheme and a further direction to the subordinate Judge of Payyannur not to proceed with the execution proceedings. The contention of the writ petitioner is that he had borrowed a sum of Rs.2,00,000/- and he had paid more than Rs.3,26,000/- and still it is claimed by the Bank that more amount is due, i.e. Rs.2,15,219/-. Notice has been given to the Standing Counsel for the Bank. It is submitted that one time settlement scheme is not in force now and therefore such a direction cannot be issued at this stage. It is seen that the writ petitioner herein has paid a considerable amount and he requires some sympathetic consideration from the bank authorities.

Therefore, I direct the writ petitioner to file a petition before the Bank requesting the Bank to show some leniency with regard to the interest. Considering the fact that a substantial amount has been paid, I feel that the Bank can consider the request sympathetically

and give some concession regarding interest and also a breathing time to the petitioner to pay the amount. In order to facilitate the petitioner to move an application and for the Bank to take a decision, I direct the executing court not to order sale for a period of two months from today.

The writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

vps